

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

K.V.G. PROPERTIES, INC.,  
a Michigan corporation

Plaintiff,

v

Case No. 2:16-cv-11561  
Hon.

WESTFIELD INSURANCE  
COMPANY,

Defendant.

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GAVIN J. FLEMING (P68366)  
**FLEMING YATOOMA &  
BOROWICZ, PLC**  
Attorney for Plaintiff  
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**GREGORY AND MEYER, P.C.**  
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**NOTICE OF REMOVAL BASED ON DIVERSITY OF CITIZENSHIP**

**NOW COMES** Defendant, Westfield Insurance Company ("Defendant"), an Ohio corporation, by and through its attorneys, Gregory and Meyer, P.C., and pursuant to 28 USCA 1441, hereby files this Notice of Removal of a cause of action filed in the Sixth Judicial Circuit Court (Oakland County) of the State of

Michigan entitled *KVG Properties, Inc. v. Westfield Insurance Company*, Oakland County Circuit Court Case No. 2016-152230-CB, and states:

1. This action was commenced in the Sixth Judicial Circuit Court on March 29, 2016, and process, as well as, the initial pleading setting forth the claim for relief upon which the action is based, was first mailed on April 6, 2016 (**Ex. 1**) and first served on Defendant on April 8, 2016. Defendant has not yet filed an Answer to the Complaint.

2. This a civil action alleging Breach of Contract and Declaratory Relief asking the Court to Declare the Rights of the Parties relative to a First Party Insurance Contract. (**Ex. 2**, Summons and Complaint).

3. This Court, pursuant to 28 USCA Sec. 1332 (a) (1), has original jurisdiction over the matter by reason of diversity of citizenship of the parties. Plaintiff is a Michigan corporation located in Wixom, Michigan (**Ex. 2**, ¶1), while Defendant is an foreign (Ohio) corporation with its principal place of business in Westfield Center, Medina County, Ohio (**Ex. 2**, ¶2), and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs (**Ex. 2, Count I - Declaratory Relief, prayer for relief**).

4. A copy of all process, pleadings, and orders served upon Defendant, as well as, a Proof of Service of written notice of this Notice of Removal to all adverse parties and a copy of same being filed with the clerk of the State court are

being filed with this notice as required by 28 USC §1446(a) and (d).

Respectfully submitted,

s/Kurt D. Meyer

KURT D. MEYER (P38205)

**GREGORY AND MEYER, P.C.**

Attorney for Defendant

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Dated: May 2, 2016

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 2, 2016, I electronically filed the foregoing *Notice of Removal Based on Diversity of Citizenship and this Certificate of Service*, with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: **Not applicable.**

I hereby further certify that I filed a copy of the foregoing *Notice of Removal Based on Diversity of Citizenship and this Certificate of Service* with

the Clerk of the Court, Oakland County Circuit Court, using the Court's Efile and Serve system, which will send electronic notification to the following:

Gavin J. Fleming – [fleming@fyblaw.com](mailto:fleming@fyblaw.com)

s/Kurt D. Meyer

KURT D. MEYER (P38205)

**GREGORY AND MEYER, P.C.**

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